

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Keyne Jean Villert	Team: Team # 3	CCRB Case #: 201310921	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> Discourt. <input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 08/25/2013 10:15 PM	Location of Incident: In front of § 87(2)(b) and inside the 121st Precinct stationhouse		Precinct: 121	18 Mo. SOL 2/25/2015	EO SOL 2/25/2015
Date/Time CV Reported Wed, 11/20/2013 12:11 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 11/20/2013 12:11 AM		

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Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Dmitry Brushnivsky	01417	936251	121 PCT
2. POM John Murphy	20986	944718	121 PCT
3. POM Andrew Lassen	03267	950728	121 PCT
4. POM Nicholas Scalzo	05185	947467	121 PCT
5. An officer			121 PCT
6. Officers			121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Peter Guido	03262	922464	121 PCT
2. POM Michael Ustick	05406	948517	121 PCT
3. POM John Fabrizio	24129	950389	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Murphy	Abuse: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
B. Officers	Discourtesy: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers spoke rudely to § 87(2)(b) and individuals.	
C. Officers	Off. Language: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers made remarks to § 87(2)(b) and individuals, based upon race and gender.	
D.SGT Dmitry Brushnivsky	Discourtesy: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b)	
E.SGT Dmitry Brushnivsky	Off. Language: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky made remarks to § 87(2)(b) based upon race.	
F.SGT Dmitry Brushnivsky	Abuse: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky strip-searched § 87(2)(b)	
G.POM John Murphy	Force: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy used physical force against § 87(2)(b)	
H.POM Nicholas Scalzo	Force: In the vicinity of § 87(2)(b) in Staten Island, PO Nicholas Scalzo used physical force against § 87(2)(b)	
I.SGT Dmitry Brushnivsky	Force: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky used physical force against § 87(2)(b)	
J.POM Andrew Lassen	Force: In the vicinity of § 87(2)(b) in Staten Island, PO Andrew Lassen used physical force against § 87(2)(b)	
K. An officer	Force: In the vicinity of § 87(2)(b) in Staten Island, an officer used pepper spray against § 87(2)(b)	
L. An officer	Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck an individual with an asp.	
M. An officer	Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck § 87(2)(b) with an asp.	
N. An officer	Abuse: In the vicinity of § 87(2)(b) in Staten Island, an officer refused to provide his shield number to § 87(2)(b)	
O.POM Andrew Lassen	Force: Inside the 121st Precinct stationhouse, PO Andrew Lassen used physical force against § 87(2)(b)	

Case Summary

On November 20, 2013, approximately three months after the incident date, § 87(2)(b) filed this complaint with the Civilian Complaint Review Board (CCRB) via its online website.

On August 25, 2013, at approximately 10:15 p.m., § 87(2)(b) was attending a party in a front yard in the vicinity of § 87(2)(b) in Staten Island when officers stopped § 87(2)(b) on a nearby sidewalk. The following allegations resulted:

- **Allegation A – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy searched § 87(2)(b)**
- **Allegation B – Discourtesy: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers spoke rudely to § 87(2)(b) and individuals.**
- **Allegation C – Offensive Language: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers made remarks to § 87(2)(b) and individuals, based upon race and gender.**
- **Allegation O – Force: Inside the 121st Precinct stationhouse, PO Andrew Lassen used physical force against § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation D – Discourtesy: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b)**
- **Allegation E – Offensive Language: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky made remarks to § 87(2)(b) based upon race.**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation F – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky strip-searched § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- **Allegation G – Force: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy used physical force against § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)

- **Allegation H – Force: In the vicinity of § 87(2)(b) in Staten Island, PO Nicholas Scalzo used physical force against § 87(2)(b)**
- **Allegation I – Force: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky used physical force against § 87(2)(b)**
- **Allegation J – Force: In the vicinity of § 87(2)(b) in Staten Island, PO Andrew Lassen used physical force against § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

- **Allegation K – Force: In the vicinity of § 87(2)(b) in Staten Island, officers used pepper spray against § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

- **Allegation L – Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck § 87(2)(b) with an asp.**

§ 87(2)(b), § 87(2)(g)

- **Allegation M – Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck § 87(2)(b) with an asp.**

- **Allegation N – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, an officer refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

This case was placed on the sensitive case list subsequent to an § 87(2)(b) online news article in regard to this incident posted on § 87(2)(b)

This case was initially assigned to Inv. Lesley Henry on November 22, 2013. Following Inv. Henry's departure from the CCRB, the case was reassigned to the undersigned investigator on June 20, 2014.

This case was not eligible for mediation § 87(2)(g)

§ 87(2)(g)

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. She is a black woman who is § 87(2)(b) § 87(2)(b).

Arrest Photographs

The photographs of § 87(2)(b) do not show any visible injuries. No fluid is visible and § 87(2)(b)'s eyes do not appear irritated (encl. E5).

Statements to Medical Personnel

On § 87(2)(b) § 87(2)(b) stated to medical personnel from § 87(2)(b) § 87(2)(b) that she sustained a laceration to her left leg while she was under arrest and as a result of an assault. At the time of her triage, § 87(2)(b) complained of cuts to her feet and legs and wrist pain due to handcuffs. Later, § 87(2)(b) complained to a doctor of pain to her head and right wrist (encl. MR1-MR25).

On that same day, § 87(2)(b) stated to medical personnel from § 87(2)(b) § 87(2)(b) that she was hit by officers the night before. § 87(2)(b) clarified that she was hosting a party when officers came into her house and yard where she was assaulted. § 87(2)(b) added that she was handcuffed and sustained pain to her wrists, and that she could not straighten her left elbow. § 87(2)(b) denied having any additional injury. § 87(2)(b) further added that her daughter, § 87(2)(b) broke one of her ankles due to the roughness of officers (encl. MR26-MR54).

On § 87(2)(b) § 87(2)(b) stated to medical personnel from Dr. § 87(2)(b) private office that officers kicked and punched her during an altercation on August 26, 2013 (encl. MR55).

CCRB Testimony

On December 13, 2013, § 87(2)(b) was interviewed at the CCRB (encl. E1-E4). Her § 87(2)(g)

On August 25, 2013, at approximately 10:15 p.m., § 87(2)(b) was hosting a party in a gated front yard in the vicinity of § 87(2)(b) with family members, including § 87(2)(b) and § 87(2)(b). Alcohol was present at the party, which started at approximately 7 p.m.; however, § 87(2)(b) did not believe anyone had consumed alcohol by that time.

At some point, § 87(2)(b) walked out of the yard onto the sidewalk with § 87(2)(b) and § 87(2)(b) was holding an empty clear plastic cup which he was about to use as an ashtray. At that point, a marked patrol car approached the group. Two officers, identified via investigation as PO Nicholas Scalzo and PO John Murphy from the 121st Precinct, exited it. However, at the time of her interview, § 87(2)(b) identified PO Scalzo's partner as PO "Lassen" instead of PO Murphy.

PO Murphy first questioned § 87(2)(b) about the content of the cup and requested his identification, and then entered § 87(2)(b)'s left pants pocket with one of his hands. § 87(2)(b)

mentioned in her initial complaint that PO Scalzo was the officer who searched § 87(2)(b). At that point, § 87(2)(b) inquired about the situation and PO Murphy replied, “Mind your fucking business you fucking bitch.”

Soon thereafter, § 87(2)(b) approached the group and tried to mediate the incident. § 87(2)(b) instructed § 87(2)(b) to leave to area. § 87(2)(b) then walked away, past the rest of the group, and heard § 87(2)(b) and § 87(2)(b) talk loudly. § 87(2)(b) and § 87(2)(b) were not speaking with the officers; § 87(2)(b) did not remember the subject of their conversation. § 87(2)(b) continued walking until she heard § 87(2)(b) mention that officers were hurting her. § 87(2)(b) is § 87(2)(b)'s daughter.

§ 87(2)(b) then turned around and observed PO Scalzo grab § 87(2)(b)'s left arm and pull it behind her back. § 87(2)(b) mentioned in her initial complaint that PO Murphy was the officer who performed the above actions toward § 87(2)(b). Upon seeing this, § 87(2)(b) immediately ran toward § 87(2)(b) to remove PO Scalzo from her. PO Scalzo then pushed § 87(2)(b) away with his two hands on her chest, causing her to step back without falling. § 87(2)(b) then again attempted to approach § 87(2)(b) but PO Scalzo again pushed her away. § 87(2)(b) also mentioned that, prior to PO Scalzo grabbing § 87(2)(b), § 87(2)(b) was pushed down to the ground; however, she did not mention who pushed § 87(2)(b).

At that point, § 87(2)(b) observed PO Murphy “slam” § 87(2)(b) onto the ground and pull her by the arms onto a grass area. § 87(2)(b) again attempted to help § 87(2)(b) however, an officer, identified via investigation as Sgt. Dmitry Brushnivsky from the 121st Precinct, punched her on the right side of the face before she could do so. Thereafter, an officer, identified via investigation as PO Andrew Lassen, from the 121st Precinct, grabbed § 87(2)(b) threw her to the ground, and then punched her in the back of the head.

PO Lassen then pinned § 87(2)(b) down, by placing his knee against her back and pulling her left arm behind her back, and placed her in a handcuff. As PO Lassen pulled her arm, § 87(2)(b) heard a bone pop there. While on the ground, § 87(2)(b) attempted to protect her face by turning away from PO Lassen and also attempted to get PO Lassen off her. However, § 87(2)(b) also denied pulling away from PO Lassen or resisting at that point. During that time, PO Lassen called § 87(2)(b) a “cunt,” “bitch,” “nigger,” and an “animal.”

Soon thereafter, PO Lassen finished handcuffing § 87(2)(b) and escorted her to a marked patrol car by pushing her forward. § 87(2)(b) denied resisting walking. PO Lassen then stated “Get the fuck in the car” and pushed § 87(2)(b) against the rear driver side window in a hard manner, causing it to shatter and create a large hole. § 87(2)(b) was barefoot at that point and stepped on glass from the broken window. PO Lassen also called § 87(2)(b) a “fucking cunt.” § 87(2)(b)'s left shoulder and chest made contact with the window. PO Lassen then placed § 87(2)(b) in the backseat of the same patrol car.

During that time, § 87(2)(b) observed an unidentified officer, who she described as a stocky white man who was approximately 25 years old and was dressed in uniform, “throw” § 87(2)(b) down to the ground, causing damage to the medical equipment she carried. Later, an unidentified officer, whom § 87(2)(b) described as a small white man who is approximately 5’8” tall and was dressed in uniform, pepper-sprayed her through the shattered window. Immediately prior to being pepper-sprayed, § 87(2)(b) screamed and cursed at PO Lassen.

Soon thereafter, PO Lassen escorted § 87(2)(b) out of the patrol car and placed her into another one. § 87(2)(b) first stated that PO Lassen then “smashed” her face against a window; however, she later indicated that her face was simply pushed against it. At that point, § 87(2)(b) attempted to bite PO Lassen’s hand away from her face while stating, “Get your fucking hand out of my face and I won’t bite your hand.” PO Lassen then punched § 87(2)(b) on the right side of her face.

Later, § 87(2)(b) was transported to the 121st Precinct stationhouse where PO Lassen “slammed” her against the front desk and pushed her face down onto it. However, § 87(2)(b) mentioned in her initial complaint that the officer who pressed her face down was Sgt. Brushnivsky. An officer, identified via investigation as Sgt. Peter Guido from the 121st Precinct, was seated behind the desk. § 87(2)(b) was “fuming” and “yelling,” and told PO Lassen, “Don’t fucking touch me.” At that point, PO Lassen called § 87(2)(b) a “bitch,” “fucking animal,” and, “cunt.”

§ 87(2)(b) and § 87(2)(b) were present by the desk at that point. There, PO Lassen referred to each of the arrestees as “bitches.” Sgt. Guido also called § 87(2)(b) a “fucking animal,” and later referred to each of the arrestees as “animals.”

§ 87(2)(b) later requested medical attention and was transported to § 87(2)(b). § 87(2)(b) requested medical attention due to pain to her left arm and her bleeding nose from PO Lassen punching her. § 87(2)(b) was evaluated and it was determined that her arm was not broken. § 87(2)(b) also reported having sustained lacerations to her feet from stepping on the broken glass while barefoot.

§ 87(2)(b) denied kicking the window or any officer. § 87(2)(b) did not witness the apprehension of § 87(2)(b) or § 87(2)(b). § 87(2)(b) did not observe any additional force being used against § 87(2)(b). § 87(2)(b) prematurely ended the interview by indicating that she did not wish to answer any additional questions in regard to this incident.

Additional Phone Statement

On July 17, 2014, § 87(2)(b) stated to the undersigned investigator, over the phone, that § 87(2)(b) was pushed by one of the officers she described in her interview who was present at the scene; however, she could not attribute the push to a specific officer. § 87(2)(b) added that she would consult her notes in regard to this incident and then call the undersigned investigator later to indicate which one of the officers did push § 87(2)(b) down. To date, § 87(2)(b) has not called the undersigned investigator back to clarify which officer pushed § 87(2)(b) down (encl. E13).

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a black woman who is § 87(2)(b). § 87(2)(b) is the mother of § 87(2)(b).

CCRB Testimony

On February 12, 2014, § 87(2)(b) was interviewed at her home, located at § 87(2)(b) in Staten Island (encl. F1-F3). § 87(2)(b), § 87(2)(g)

There was no alcohol at the party except for three beers which were for § 87(2)(b) personal use. § 87(2)(b) consumed some of the beers prior to the incident. § 87(2)(b) did not recall whether she actually saw PO Murphy place his hand inside § 87(2)(b)'s pocket.

§ 87(2)(b) and other party attendees approached § 87(2)(b) and the officers and informed § 87(2)(b) that he did not have to provide the officers his identification. § 87(2)(b) added that she attempted to prevent the officers from issuing § 87(2)(b) a summons and also asked them to leave § 87(2)(b) alone.

§ 87(2)(b) eventually turned away from the officers and stood between § 87(2)(b) and § 87(2)(b). Soon thereafter, PO Murphy stated, “She hit her” and alleged that either § 87(2)(b) or § 87(2)(b) had struck her. At the time of her interview, § 87(2)(b) disputed

that any of her relatives had struck her and added that even if that had happened, that it wouldn't have been the officers' business.

At that point, PO Murphy and PO Scalzo grabbed § 87(2)(b) by one of her arms and brought her down to the ground. The officers then twisted § 87(2)(b)'s arms and jumped on § 87(2)(b)'s leg, causing a fracture to her ankle. § 87(2)(b) eventually grabbed one of the officers and pulled him off § 87(2)(b). CCRB case number 201401438 was created as an Internal Affairs Bureau (IAB) spin-off of this case to reflect the fracture allegation.

Soon thereafter, additional officers arrived at the scene. § 87(2)(b) who was down on the ground, was grabbed by officers and § 87(2)(b) then attempted to pull them off § 87(2)(b). Officers then grabbed § 87(2)(b) and pushed her against a patrol car. § 87(2)(b) did not see how § 87(2)(b) got down. § 87(2)(b) then attempted to get the officers off § 87(2)(b) but was quickly pushed down to the ground by an officer she did not see.

§ 87(2)(b) first stated that she also tried to pull officers off § 87(2)(b) however, she later retracted her statement by denying that she tried to do so. § 87(2)(b) also initially stated that § 87(2)(b) tried to pull officers off of § 87(2)(b) however, she again later retracted her statement by stating that she did not know whether § 87(2)(b) had done so. § 87(2)(b) also reported that § 87(2)(b) was pepper-sprayed by three to four officers while § 87(2)(b) was inside a patrol car. § 87(2)(b) added that officers called her "names;" however, she did not recall their statements.

§ 87(2)(b) could not describe the apprehension of § 87(2)(b) or § 87(2)(b) brother, any further due to the chaotic nature of the incident. § 87(2)(b) could not describe any of the subject officers present other than PO Murphy and PO Scalzo. § 87(2)(b) did not see § 87(2)(b) kick any window or officer. § 87(2)(b) did not sustain any new injuries as a result of this incident; however, the recurrent pain to her back was aggravated.

Victim: § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. She is a black woman who is § 87(2)(b). § 87(2)(b) is the grand-daughter of § 87(2)(b).

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) stated to medical personnel from § 87(2)(b) that officers had "bent her arms up to her neck" and "slammed" her to the floor. § 87(2)(b) also complained that her head hurt (encl. MR56-MR79).

CCRB Testimony

On February 12, 2014, § 87(2)(b) was interviewed at her home, which she shares with § 87(2)(b) (encl. G1-G3). § 87(2)(b), § 87(2)(g)

During the stop of § 87(2)(b) Sgt. Brushnivsky stated to § 87(2)(b) "Shut the fuck up" and called her an "animal." § 87(2)(b) accused the officers of attempting to get the party attendees upset to then arrest them. § 87(2)(b) told the party attendees not to worry about the situation. § 87(2)(b) spoke loudly during the stop but told the party attendees to let the officers issue § 87(2)(b) the summons. § 87(2)(b) did not mention observing an officer search § 87(2)(b).

§ 87(2)(b) heard a commotion behind her and then saw § 87(2)(b) down on the ground with four officers restraining her. § 87(2)(b), § 87(2)(a) CVR § 50-b

§ 87(2)(b) was released after an unidentified officer pushed § 87(2)(b) down to the ground, causing § 87(2)(b)'s right ankle to fracture.

At that point, § 87(2)(b) held § 87(2)(b) to protect her. Officers then “jumped” on § 87(2)(b) causing the rest of the party attendees to start yelling at the officers and run around the scene. § 87(2)(b) added that the party attendees were acting “worked up” and she described the incident as a “big commotion.”

At another point, multiple officers tackled § 87(2)(b) down to the ground. § 87(2)(b) tried to get back up; however, the officers would repeatedly push her back down during each attempt. § 87(2)(b) was then handcuffed.

At yet another point, Sgt. Brushnivsky and PO Lassen restrained § 87(2)(b) against a nearby patrol car. Sgt. Brushnivsky and PO Lassen then “threw” § 87(2)(b) down to the ground, pulled her arms up toward her head, and pressed her head against the ground. Sgt. Brushnivsky again stated, “Shut the fuck up,” to § 87(2)(b) and PO Lassen placed his knee against her back. Sgt. Brushnivsky also stated, “Nobody gives a fuck what you’re saying,” “I don’t give a fuck,” and, “If you keep fucking talking, you’re going to stay here.” Sgt. Brushnivsky also called § 87(2)(b) a “cunt” and an “animal.” Sgt. Brushnivsky then grabbed § 87(2)(b) right arm and bent it. Soon thereafter, Sgt. Brushnivsky escorted § 87(2)(b) who was handcuffed, to a patrol car by grabbing her left index finger and bending it.

At some point, § 87(2)(b) mentioned that she was barefoot and an unidentified officer, PO1, then stated, “So fucking what?” At another point, § 87(2)(b) observed an unidentified officer, PO2, who she could only describe as a white man, hit § 87(2)(b) CV1, whose name and contact information she did not know, in the head with an asp. Prior to that, PO2 had ordered a crowd to disperse while swinging the asp sideways. PO2 struck the CV1 as he swung his asp.

§ 87(2)(b) also observed her friend, identified via investigation as § 87(2)(b) record the incident. § 87(2)(b) saw PO Scalzo lying down on the ground, motionless, nearby a patrol car. § 87(2)(b) added that she witnessed an officer, who she could not describe, pepper-spray § 87(2)(b) from the front seat of the patrol car.

§ 87(2)(b) Phone Statement

On February 6, 2014, Inv. Craig Anderson, from the Intake Unit, spoke with § 87(2)(b) who filed CCRB case number 201400533 that was closed as a duplicate of this case, over the phone. § 87(2)(b) stated that officers ordered the crowd to disperse and that she complied with the order. § 87(2)(b) then felt a stick being pressed against her back, at which point an unidentified officer ordered her to keep walking and then pushed her using said stick. The push caused § 87(2)(b) to lose balance and jump up, without falling down, and it also re-aggravated her existing back injury. § 87(2)(b) added that she then requested the unidentified officer’s shield number; however, he did not provide the requested information. § 87(2)(b) described the unidentified officer as a uniformed white man who is approximately 5’7” tall and has black hair. § 87(2)(b) further stated that she videotaped part of the incident (encl. H). § 87(2)(b), § 87(2)(g)

Attempts to Contact/Interview Civilians

On February 12, 2014, § 87(2)(b) failed to appear at the CCRB for her scheduled appointment. On February 26, 2014, § 87(2)(b) informed Inv. Henry that she would contact the CCRB later to determine whether she would cooperate with its investigation.

On July 15, 2014, § 87(2)(b) missed his scheduled appointment at the CCRB. On July 22, 2014, § 87(2)(b) missed her scheduled appointment at the CCRB. On July 18, and 31, 2014, § 87(2)(b) missed her scheduled appointments at the CCRB. § 87(2)(b) did not mention being in possession of any video footage of the incident.

To date, § 87(2)(b) and § 87(2)(b) have not contacted the CCRB for purposes of rescheduling their missed appointments and all contact attempts to each of them were exhausted.

On July 15, 2014, § 87(2)(b) stated to the undersigned investigator, over the phone, that she did not wish to cooperate with the CCRB's investigation into this incident because she did not wish to think about it again.

Between November 26, 2013, and October 13, 2014, Inv. Henry and the undersigned investigator exhausted all contact attempts to § 87(2)(b) and the two 911 callers mentioned below, without success. § 87(2)(b) was identified as a victim from the Command Log detailed below which lists her as one of the arrestees related to this incident. § 87(2)(b) was identified by § 87(2)(b) in her initial complaint, as a neighbor who witnessed the incident.

An October 15, 2014, inquiry with the New York City Department of Correction Inmate Lookup database revealed that § 87(2)(b) and § 87(2)(b) were not incarcerated at the time of the contact attempts nor of the inquiry (encl. S1-S4).

To date, § 87(2)(b) and the 911 callers, have not contacted the CCRB in regard to cooperating with its investigation.

At the time of her interview, § 87(2)(b) did not know the name or contact information of the individual, who she alleged was struck with an asp. On October 17, 2014, the undersigned investigator followed-up with § 87(2)(b) who stated that she still did not know said individual's name or contact information.

Field Work

On February 12, 2014, Inv. Henry conducted field work and canvassed the vicinity of the incident location; however, she was unable to identify or interview any additional witnesses or victims.

NYPD Statements:

Subject Officer: PO NICHOLAS SCALZO

- *PO Scalzo was § 87(2)(b) at the time of the incident. He is a white man, is § 87(2)(b).*
- *On August 25, 2013, PO Scalzo was assigned to the 121st Precinct's Patrol Sector A. PO Scalzo was dressed in uniform and was working with PO Murphy in a marked patrol car. PO Scalzo worked from 4 p.m. on August 25, 2014, to 12 a.m. on the next day.*

Memo Book Entries

At 10:30 p.m., PO Scalzo stopped a man on Holland Avenue for having an open container. PO Murphy issued the man a summons in that regard. An assault on an elderly woman occurred. PO Scalzo sustained a line-of-duty injury at the scene (encl. I1-I3).

Criminal Complaint Report Number § 87(2)(b) and Arrest Report Number

§ 87(2)(b)

The reports, filed by PO Scalzo, indicate that while PO Murphy was handcuffing a perpetrator, § 87(2)(b) pulled PO Murphy's arm. § 87(2)(b) was then pulled off PO Murphy and arrested. After PO Scalzo placed § 87(2)(b) inside a patrol car, she kicked out the rear driver side window, causing it to shatter, and struck PO Scalzo in the head with her foot, causing pain to his head. PO Scalzo then fell down to the ground, due to the strike, causing an injury to his right wrist. The reports indicate that force was used to arrest § 87(2)(b) however, they do not indicate that pepper-spray was discharged at her (encl. I4-I8).

CCRB Statement

On May 6, 2014, PO Scalzo was interviewed at the CCRB (encl. I9-I11). His statement is summarized below.

On August 25, 2013, at approximately 10:30 p.m., PO Scalzo was inside his patrol car with PO Murphy when he observed § 87(2)(b) drink from an open container of alcohol, which he described as a green martini can, on the street. The officers then exited the patrol car and approached § 87(2)(b) for purposes of issuing him a summons.

PO Scalzo told § 87(2)(b) that he had an open container of alcohol and then requested his identification. § 87(2)(b) complied with the request by retrieving his identification from one of his pockets and handing it to the officers. Soon thereafter, approximately seven women approached § 87(2)(b) and started pulling him away. PO Scalzo believed that each of the women was intoxicated due to their slurred speech, behavior, and bloodshot eyes.

PO Scalzo ordered the women to step away; however, they then started pushing the officers away from § 87(2)(b). At that point, PO Scalzo pulled the women off him and pushed them back, and then made a call requesting assistance, at which point additional officers arrived at the scene.

Soon thereafter, § 87(2)(b) approached the group of women and instructed them to leave. PO Scalzo then issued a summons to § 87(2)(b) and started walking away from the scene. At that point, the group of women started fighting amongst themselves while surrounding § 87(2)(b) and § 87(2)(b) who were fighting each other, eventually hit § 87(2)(b) and PO Scalzo and PO Murphy then re-approached the scene to disband the fight. PO Scalzo and PO Murphy first started to pull the women off each other; however, the women then started grabbing, pushing, and punching the officers.

PO Scalzo and PO Murphy eventually grabbed § 87(2)(b) off § 87(2)(b) at which point § 87(2)(b) started elbowing PO Murphy and pushing and punching at the officers. As PO Scalzo and PO Murphy attempted to handcuff § 87(2)(b) intervened by jumping onto PO Murphy and grabbing his head. PO Scalzo pulled § 87(2)(b) off PO Murphy and threw her to the ground. At that point, § 87(2)(b) stood back up and hit an unidentified officer in the groin.

PO Scalzo then attempted to handcuff § 87(2)(b) who repeatedly attempted to bite him. PO Scalzo subsequently pushed § 87(2)(b) away and punched her in the body once to keep her from biting him and then handcuffed her by holding her arms behind her back. PO Scalzo then placed § 87(2)(b) into a patrol car. Additional units continued responding to the location during that time.

Soon thereafter, § 87(2)(b) started kicking one of the rear windows and PO Scalzo turned around to face her, at which point she managed to kick through the window and then PO Scalzo in the head. The kick also caused a metallic part of the window frame to hit PO Scalzo in the head. PO Scalzo fell down to the ground, was then dragged away from the scene, and eventually

transported to § 87(2)(b) via ambulance. PO Scalzo hit his head on another patrol car as he fell down.

PO Scalzo denied stepping on § 87(2)(b)'s ankle, or observing any officers do so. PO Scalzo denied searching § 87(2)(b)'s pockets, or observing PO Murphy do so. PO Scalzo did not recall where he punched § 87(2)(b) however, he denied punching her in the face. PO Scalzo did not observe any officers punch § 87(2)(b) in the face. PO Scalzo denied pushing § 87(2)(b) against any patrol car. PO Scalzo did not observe any officers pepper-spray § 87(2)(b). PO Scalzo denied observing the apprehension of any other individuals. PO Scalzo denied using any profanity during the incident, or hearing any officers do so. PO Scalzo denied calling any civilians a "bitch," "nigger," "animal," or, "cunt," and he denied hearing any officers do so.

Subject Officer: PO JOHN MURPHY

- *PO Murphy was § 87(2)(b) at the time of the incident. He is a white man, is § 87(2)(b).*
- *On August 25, 2013, PO Murphy worked the same tour and assignment as PO Scalzo.*

Memo Book Entries

At 9:55 p.m., PO Murphy stopped § 87(2)(b) in front of § 87(2)(b) for having an open 6 ounce can of Bud Light Margarita. During the stop, relatives of § 87(2)(b) became irate. At 10:02 p.m., criminal summons number § 87(2)(b) was issued. In the process of stopping him and asking for his identification, four women informed the officers they could not speak with § 87(2)(b). The women pushed § 87(2)(b) back and the officers again asked § 87(2)(b) for his identification, which he provided. Two females started to fight each other on a sidewalk and in public view. PO Murphy, his partner, and other officers, including a Sergeant, decided to break up the fight. PO Murphy pulled § 87(2)(b) out of the group and handcuffed her, at which point § 87(2)(b) pulled PO Murphy off § 87(2)(b) and stated that she was not going to be arrested. PO Murphy instructed § 87(2)(b) not to touch § 87(2)(b) or else she will be arrested. § 87(2)(b) then again pulled PO Murphy's arm off § 87(2)(b). PO Scalzo and another officer then struggled in their attempt to handcuff § 87(2)(b) who was resisting. PO Scalzo eventually placed § 87(2)(b) inside a patrol car, at which point she kicked through a car window, hitting PO Scalzo in the head and causing him to drop down to the ground. PO Scalzo was eventually transported to § 87(2)(b) due to a concussion and sprained wrist (encl. J1-J4).

Criminal Summons Number § 87(2)(b)

The summons, issued by PO Murphy, indicates that § 87(2)(b) was charged with having an open 6-ounce can of Lime-a-Rita, which is an alcohol beverage (encl. J5-J6).

Criminal Complaint Report Number § 87(2)(b) and Arrest Report Number

§ 87(2)(b)

The reports, filed for PO Murphy, indicate that § 87(2)(b) prevented PO Murphy from arresting another perpetrator by attempting to take said perpetrator away from the scene. The reports also indicate that § 87(2)(b) stood between PO Murphy and said perpetrator, pushed PO Murphy away, and flailed her arms in a violent manner while PO Murphy attempted to handcuff her. The reports further indicate that no physical force was used to apprehend § 87(2)(b) (encl. J8-J13).

AIDED Report Number § 87(2)(b)

The report, filed by PO Murphy, indicates that PO Scalzo was struck in the back of his head with a foot and then fell down to the ground. The report also indicates that PO Scalzo sustained pain to his head and right wrist (encl. J13-J17).

CCRB Testimony

On June 5, 2014, PO Murphy was interviewed at the CCRB (encl. J18-J20). § 87(2)(g)

Sgt. Brushnivsky, and PO Michael Ustick and PO John Fabrizio, both from the 121st Precinct, arrived at the scene while PO Murphy was issuing § 87(2)(b) a summons. § 87(2)(b) and § 87(2)(b) first started fighting each other, then slapped § 87(2)(b) who was standing in-between them. § 87(2)(b) then fell down to the ground and approximately five additional party attendees then joined in on the fight. Each person involved in the fight eventually fell down to the ground, as a result of the fight, and each of the officers then approached the group and started separating it.

PO Murphy simply grabbed one of the ankles of § 87(2)(b) who was involved in the fight, and pulled her approximately five feet away before handcuffing her. § 87(2)(b) was initially kicking and screaming, but became cooperative after she was handcuffed. Each of the officers acted in a similar fashion, as PO Murphy simply observed them pull members of the group away and handcuff them.

Soon thereafter, § 87(2)(b) started pulling PO Murphy away from § 87(2)(b). § 87(2)(b) stated that PO Murphy was not going to arrest § 87(2)(b). At that point, PO Scalzo and PO Ustick grabbed § 87(2)(b) and attempted to handcuff her. § 87(2)(b) resisted by flailing her arms, punching PO Scalzo in the face, kicking PO Ustick in the groin, and screaming, and the officers brought her down to the ground before handcuffing her and placing her inside a patrol car.

As PO Murphy then assisted other officers with handcuffing additional perpetrators, he observed § 87(2)(b) kick through the patrol car window and strike PO Scalzo in the head. PO Murphy then escorted PO Scalzo to an ambulance and to the hospital. § 87(2)(b) sustained bleeding to her feet as a result of the kick. Later, PO Murphy returned to the stationhouse; however, he did not recall observing PO Lassen or Sgt. Guido interact with any arrestees.

PO Murphy denied that § 87(2)(b) was searched. PO Murphy denied using any profanity, or hearing any officers do so. PO Murphy denied calling any civilians a “bitch,” “nigger,” “animal,” or, “cunt,” and he denied hearing any officers do so. PO Murphy did not remember whether § 87(2)(b) was pepper-sprayed. PO Murphy did not remember seeing PO Lassen at the scene. PO Murphy did not observe PO Scalzo physically interact with § 87(2)(b). PO Murphy denied observing Sgt. Brushnivsky place a hand inside § 87(2)(b)'s bra. PO Murphy did not observe any officers punch any civilians.

Subject Officer: PO ANDREW LASSEN

- *PO Lassen was § 87(2)(b) at the time of the incident. He is a white man, is § 87(2)(b)*
- *On August 25, 2013, PO Lassen was assigned to the 121st Precinct's Patrol Sector C. PO Lassen was dressed in uniform and was working with PO Lassen in a marked patrol car. PO Lassen worked from 3 p.m. to 11:35 p.m.*

Memo Book Entries

At 10:22 p.m., PO Lassen responded to a call for assistance at § 87(2)(b). At 10:26 p.m., PO Lassen arrived at the scene where he observed multiple people acting disorderly and fighting. PO Lassen made a call for additional units and an ambulance for PO Scalzo who was injured. At 11 p.m., PO Lassen arrived at the stationhouse (encl. M1-M3).

CCRB Statement

On May 29, 2014, PO Lassen was interviewed at the CCRB (encl. M4-M5). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

After § 87(2)(b) was pushed down, PO Lassen approached § 87(2)(b) and grabbed her arms. § 87(2)(b) resisted by kicking and pulling herself away PO Lassen in the right leg twice. PO Lassen then pulled § 87(2)(b) down to the ground to handcuff her; however, she continued flailing her arms and kicking her legs. An unidentified officer held § 87(2)(b) s leg down while she was being handcuffed. PO Scalzo then escorted § 87(2)(b) to a patrol car.

PO Lassen then simply observed an unidentified officer handcuff § 87(2)(b) and then § 87(2)(b) started grabbing § 87(2)(b) was then arrested by other unidentified officers.

PO Lassen did not have any additional interaction with § 87(2)(b) at the scene. PO Lassen did not interact with any additional civilians. PO Lassen did not observe Sgt. Brushnivsky punch § 87(2)(b) in the face. PO Lassen denied observing Sgt. Brushnivsky place his hand underneath § 87(2)(b) s shirt. PO Lassen denied pushing § 87(2)(b) into any window or punching her. PO Lassen denied observing any officers pepper-spray § 87(2)(b).

PO Lassen denied having any physical or verbal interaction with § 87(2)(b) at the stationhouse. PO Lassen did not hear Sgt. Guido speak with § 87(2)(b). PO Lassen denied using, “bitch,” “cunt,” or “nigger,” or hearing any officers do so. PO Lassen denied using profanity, or hearing any officers do so.

Subject Officer: SGT. DMITRY BRUSHNIVSKY

- *Sgt. Brushnivsky was § 87(2)(b) at the time of the incident. He is a white man, is § 87(2)(b).*
- *On August 25, 2013, Sgt. Brushnivsky was assigned as the 121st Precinct Patrol Supervisor. Sgt. Brushnivsky was dressed in uniform and was working with PO Ustick in a marked patrol car. Sgt. Brushnivsky worked from 2:50 p.m. to 11:47 p.m.*

Memo Book Entries

At 10:15 p.m., Sgt. Brushnivsky responded to a call for assistance, made by Sector A officers, at § 87(2)(b). At 10:35 p.m., Sgt. Brushnivsky made a call requesting additional units to respond to the scene due to a large crowd. Seven individuals were arrested, and an officer was injured and was transported to § 87(2)(b). § 87(2)(b) was arrested for interfering with a lawful arrest by attempting to take a perpetrator away from the scene, placing her body between officers and the perpetrator, and pushing an officer away. § 87(2)(b) was disorderly, causing a large crowd to gather, refused to disperse following an officer’s lawful order to do so, and violently flailed her arms in an attempt to prevent her own arrest (encl. K1-K3).

CCRB Testimony

On May 8, 2014, Sgt. Brushnivsky was interviewed at the CCRB (encl. K4-K6). His

§ 87(2)(g)

Sgt. Brushnivsky first apprehended § 87(2)(b). At that point, the crowd, which included § 87(2)(b), started pulling § 87(2)(b) away. Sgt. Brushnivsky may have pushed § 87(2)(b) against a patrol car to restrain her. Sgt. Brushnivsky participated in the apprehension of § 87(2)(b). Soon thereafter, three unidentified women pinned Sgt. Brushnivsky against a patrol car. Sgt. Brushnivsky subsequently pushed each of the three women away, which may have caused one of them to fall down.

Sgt. Brushnivsky could not describe the actions of additional civilians or officers during that time. Sgt. Brushnivsky did not assist with the apprehension of any other individuals. Sgt. Brushnivsky did not remember punching § 87(2)(b) in the face. Sgt. Brushnivsky denied pushing § 87(2)(b) down, or observing any officers do so.

Sgt. Brushnivsky did not observe § 87(2)(b) kick the window of the patrol car out; however, he was informed about it. Sgt. Brushnivsky did not know whether § 87(2)(b) was pepper-sprayed. Sgt. Brushnivsky did not observe any officers push § 87(2)(b) against a patrol car. Sgt. Brushnivsky denied observing any officers jump on one of § 87(2)(b)'s feet. Sgt. Brushnivsky denied using "bitch," "cunt," or "nigger," or hearing any officers do so. Sgt. Brushnivsky denied stating, "Shut the fuck up," or, "No one gives a fuck what you say." Sgt. Brushnivsky denied hearing an officer state, "Mind your own fucking business."

Witness Officer: PO JOHN FABRIZIO

- PO Fabrizio was § 87(2)(b) at the time of the incident. He is a white man, is § 87(2)(b).
- On August 25, 2013, PO Fabrizio worked the same tour and assignment as PO Lassen.

Memo Book Entries

At 10:22 p.m., PO Fabrizio responded to a call for assistance at § 87(2)(b). At 10:28 p.m., PO Fabrizio arrived at the scene where he observed § 87(2)(b) engage in disorderly conduct by yelling on a public street while refusing to disperse and causing a crowd to gather. § 87(2)(b) also prevented PO Fabrizio from making a lawful arrest by grabbing another perpetrator's arms and preventing that perpetrator from being handcuffed. At 10:35 p.m., Sgt. Brushnivsky arrested § 87(2)(b). At 11:16 p.m., PO Fabrizio observed § 87(2)(b) on a public sidewalk and with intent to cause a disruption by police, she refused to disperse after being ordered to do so, causing a crowd to gather. At 11:20 p.m., PO Fabrizio arrived at the stationhouse (encl. N1-N3).

CCRB Testimony

On September 4, 2014, PO Fabrizio was interviewed at the CCRB (encl. N9-N11). His

§ 87(2)(g)

Approximately twenty civilians were present at the scene and were calling officers "fags." Members of the crowd eventually started grabbing § 87(2)(b) and § 87(2)(b) thus preventing their arrests. PO Fabrizio and PO Ustick apprehended § 87(2)(b) and § 87(2)(b) was also eventually handcuffed. PO Fabrizio did not observe the apprehension of any additional civilians. PO Fabrizio attended to PO Scalzo after he observed § 87(2)(b) kick through the window and strike PO Scalzo.

PO Fabrizio was shown pictures of § 87(2)(b) whom he only recognized as a member of the crowd who was aggressive toward the officers, before any fighting had started, and then later kicked PO Scalzo. PO Fabrizio did not observe § 87(2)(b) have any additional interaction with officers. PO Fabrizio did not observe § 87(2)(b) interact with any officers.

PO Fabrizio denied using any profanity, or hearing any officers do so. PO Murphy denied calling any civilians a “bitch,” “nigger,” “animal,” or, “cunt,” and he denied hearing any officers do so. PO Fabrizio did not know whether any civilians were pepper-sprayed, or punched. PO Fabrizio denied observing PO Murphy enter § 87(2)(b)'s pockets. PO Fabrizio did not observe Sgt. Brushnivsky place his hand up § 87(2)(b)'s bra. PO Fabrizio did not physically interact with any additional civilians. PO Fabrizio denied observing any officers pull out a baton or asp. PO Fabrizio did not hear any civilians request any officers for their shield numbers. PO Fabrizio did not observe § 87(2)(b) have any additional interaction with officers.

Witness Officer: PO MICHAEL USTICK

- PO Ustick was § 87(2)(b) old at the time of the incident. He is a white man, is § 87(2)(b)
- On August 25, 2013, PO Ustick worked the same tour and assignment as Sgt. Brushnivsky.

Memo Book Entries

At 10:25 p.m., PO Ustick received a call for assistance from Sector A officers at § 87(2)(b). At 10:30 p.m., PO Ustick arrived at the scene. At 10:35 p.m., PO Ustick held § 87(2)(b) engaged in disorderly conduct by yelling and cursing. § 87(2)(b) was told to disperse by PO Ustick. § 87(2)(b) refused to cooperate and caused a large crowd to form. § 87(2)(b) then prevented PO Ustick from making a lawful arrest of a third party by grabbing onto another perpetrator, holding onto the hood of a patrol car, and pushing PO Ustick away to prevent a lawful arrest. § 87(2)(b) flailed her arms in a violent manner and fell to the ground to prevent PO Ustick from making an arrest. At 11:16 p.m., PO Ustick issued a summons to § 87(2)(b) for disorderly conduct. PO Ustick observed § 87(2)(b) on a public sidewalk with intent to cause disruption while gathering with two other individuals. When ordered to disperse by officers, § 87(2)(b) refused to comply and remained at the location. § 87(2)(b)'s actions caused a crowd to gather. At 11:20 p.m., PO Ustick reported to the 121st Precinct stationhouse (encl. L1-14).

CCRB Testimony

On September 4, 2014, PO Ustick was interviewed at the CCRB (encl. L10-L12). His § 87(2)(g)

After § 87(2)(b) fell down, § 87(2)(b) fled into the crowd. PO Ustick did not remember seeing § 87(2)(b) again. PO Ustick and PO Fabrizio first approached § 87(2)(b) and eventually arrested her and § 87(2)(b). PO Fabrizio remained with § 87(2)(b).

PO Ustick then observed PO Scalzo and PO Lassen struggle with § 87(2)(b) was repeatedly jerking her right arm back and forth towards PO Lassen. PO Ustick did not see § 87(2)(b) prior to that point. PO Ustick then grabbed § 87(2)(b) and pulled her away from PO Lassen, at which point she was handcuffed. PO Ustick and PO Scalzo physically escorted § 87(2)(b) to a patrol car by holding her elbows. Later, PO Ustick heard glass shatter and then observed PO Scalzo fall down to the ground.

PO Ustick then turned around and saw § 87(2)(b) and approximately three unidentified women jump on Sgt. Brushnivsky. PO Ustick then arrested § 87(2)(b) and § 87(2)(b). Additional unidentified officers also assisted Sgt. Brushnivsky with the other women. PO Ustick did not see what actions Sgt. Brushnivsky took prior to that point. PO Ustick then arrested § 87(2)(b).

PO Ustick was shown pictures of § 87(2)(b) whom he did not recognize. PO Ustick did not observe any officers reach towards § 87(2)(b)'s pockets. PO Ustick did not observe any additional officers physically interact with § 87(2)(b). PO Ustick did not know which additional officers arrived at the scene. PO Ustick did not see PO Lassen again after § 87(2)(b) was escorted to the patrol car. PO Ustick denied punching any civilians, or observing any officers do so.

PO Ustick denied observing Sgt. Brushnivsky place one of his hands up § 87(2)(b)'s bra or shirt. PO Ustick did not pull out an asp or baton, or observe any officers do so. PO Ustick did not observe any additional physical force being used on civilians. PO Ustick denied discharging his pepper-spray, or observing any officers do so. PO Ustick denied observing any officers push § 87(2)(b) against any desk at the stationhouse.

PO Ustick denied calling anyone a “bitch,” “animal,” “cunt,” or “nigger,” or hearing any officers do so. PO Ustick denied using profanity, or hearing any officers do so. Multiple civilians requested PO Ustick and PO Fabrizio for their shield numbers. PO Ustick provided the requested information; however, he did not know whether PO Fabrizio also did so.

Witness Officer: SGT. PETER GUIDO

- *Sgt. Guido was § 87(2)(b) old at the time of the incident. He is a white man, is § 87(2)(b).*
- *On August 25, 2013, Sgt. Guido was assigned as the 121st Precinct Desk Officer. Sgt. Guido was dressed in uniform and was working alone on foot. Sgt. Guido worked from 11:05 p.m. on August 25, 2013, to 8:02 a.m. on August 26, 2013.*

Memo Book Entries

Because Sgt. Guido was assigned as the Desk Officer, he was not required to maintain a memo book.

CCRB Testimony

On June 10, 2014, Sgt. Guido was interviewed at the CCRB (encl. O3-O4). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Sgt. Guido did not respond to the calls for assistance related to this incident. At some point, multiple arrestees were brought to the stationhouse. One of the arrestees, § 87(2)(b) acted in an erratic manner while screaming at the officers. Sgt. Guido then instructed § 87(2)(b) to stop acting in such a manner. § 87(2)(b) calmed down approximately thirty seconds later. Soon thereafter, the arrestees were placed inside holding cells.

Sgt. Guido did not recall seeing PO Lassen with the arrestees. Sgt. Guido did not recall which officers were also present. Sgt. Guido did not observe any officers push § 87(2)(b) against the front desk. Sgt. Guido denied calling § 87(2)(b) an “animal,” or hearing any officers do so. Sgt. Guido denied using profanity, or hearing any officers do so.

Additional Officers Not Interviewed

No additional officers were interviewed § 87(2)(g)

Medical Records

Pre-Hospital Care Report

The report indicates that on August 26, 2013, at approximately 12 a.m., an ambulance arrived at the 121st Precinct stationhouse where § 87(2)(b) complained of minor scrapes, and pain to one of her legs and her wrists due to handcuffs. § 87(2)(b) did not appear in immediate distress and it was determined that she had minor scrapes and lacerations which were treated and cleaned. Gauzes were applied on § 87(2)(b) who walked to the ambulance on her own. § 87(2)(b) was transported to § 87(2)(b). There is no indication that § 87(2)(b) was pepper-sprayed (encl. MR4-MR5).

§ 87(2)(b)

The records indicate that § 87(2)(b) arrived at the hospital on § 87(2)(b), at approximately 1:01 a.m. § 87(2)(b) walked frequently and made major and frequent changes in position without assistance during her stay. § 87(2)(b) also moved in bed and in a chair independently and had sufficient muscle strength to lift up completely while moving. An x-ray of § 87(2)(b)'s right wrist was conducted and showed no evidence of fracture or dislocation. Moreover, the x-ray showed that the soft tissues were unremarkable and that there was no evidence of acute trauma. § 87(2)(b) was diagnosed with small abrasions to her left leg and right big toe, a contusion to her right wrist, and a trauma without laceration to her head, or closed head injury. A note indicates that § 87(2)(b) did not seem to have a serious brain injury. § 87(2)(b) requested a CT-scan examination of her head; however, there is no indication any such examination was conducted. There is no indication that § 87(2)(b) was pepper-sprayed (encl. MR1-MR25).

The records indicate that § 87(2)(b) arrived at the hospital on § 87(2)(b), at approximately 12:56 a.m. via ambulance. § 87(2)(b) arrived at the hospital following her complaint of pain to her left wrist and her needing her medication. § 87(2)(b) walked frequently and made major and frequent changes in position without assistance during her stay. § 87(2)(b) also moved in bed and in a chair independently and had sufficient muscle strength to lift up completely while moving. An x-ray of § 87(2)(b) left wrist was conducted and showed no evidence of fracture or dislocation. Moreover, § 87(2)(b) articulations appeared normal and her soft tissues were unremarkable. § 87(2)(b) was diagnosed with sprains to her wrists and was not prescribed with any medication (encl. MR56-MR79).

§ 87(2)(b)

The records indicate that § 87(2)(b) arrived at the hospital on § 87(2)(b) at approximately 9:03 p.m. During her triage, § 87(2)(b) complained of pain to her arms, back, and neck. A physical examination revealed tenderness, swelling, bruising, and a decreased in range of motion, to § 87(2)(b)'s left elbow, as well as circular redness and abrasions to her

wrists. An x-ray of § 87(2)(b)'s left elbow was conducted which revealed no fracture, dislocation, or arthritis. § 87(2)(b) was diagnosed with a contusion and strain on her left elbow, and swelling and contusions to her wrists. § 87(2)(b) was prescribed Tylenol and Motrin, a pain reliever and anti-inflammatory, respectively. There is no indication that § 87(2)(b) complained about having been pepper-sprayed (encl. MR26-MR54).

§ 87(2)(b) Office

The records indicate that § 87(2)(b) visited the aforementioned doctor's office on § 87(2)(b). § 87(2)(b) was diagnosed with multiple contusions, sprains to her wrists, and a sprain to her left elbow. There is no indication that § 87(2)(b) complained about having been pepper-sprayed (encl. MR55).

NYPD Documents

121st Precinct Roll Call

The Roll Call indicates that Sgt. Brushnivsky was assigned as the patrol supervisor with PO Ustick as his operator. PO Scalzo and PO Murphy are listed as assigned to Sector A. PO Fabrizio is listed as assigned to Sector C. PO Daniel Kearny and PO Thomas Perrotti, both also from the 121st Precinct, are listed as assigned to Sector F. PO Lassen is not listed on the Roll Call (encl. P8-P13).

121st Precinct Command Log

The Command Log indicates that § 87(2)(b) and § 87(2)(b) all arrived at the stationhouse at 10:40 p.m. § 87(2)(b)'s physical or mental condition is listed as apparently normal. § 87(2)(b)'s entry indicates that she had a cut to her left leg. § 87(2)(b)'s entry indicates that she complained of pain to her head (encl. P14-P18).

Event Summary Number § 87(2)(b)

The summary indicates that § 87(2)(b) who identified herself as § 87(2)(b) called 911 to report that officers needed assistance due to individuals fighting them. The caller indicated that a large fight was occurring at § 87(2)(b) where a party was being held, and that individuals were resisting arrest. The caller further indicated that an aspect of the incident was "out of control;" however, the summary does not specify to what the caller was referring.

A radio call was later made to indicate that an officer had sustained a head injury and to request an ambulance. Officers assigned to the 121st Precinct's Sectors A, C, and F, and a Sergeant on Patrol for the 121st Precinct are listed as having responded to the scene. Moreover, officers assigned to the 120th Precinct's Sectors A, C, D, F, I, M, and a Lieutenant and Sergeant on Patrol are also listed as having responded to the scene. Lastly, officers assigned to the 122nd Precinct's Sector H are also listed as having responded to the scene. The summary further indicates that a second individual called 911 in regards to a collision nearby the incident location. The summary lists the callers' phone numbers (encl. P4-P7).

Line-Of-Duty Injury Report Number § 87(2)(b)

The report indicates that after PO Scalzo lodged § 87(2)(b) inside a patrol car, she kicked out a rear window and struck PO Scalzo in the head, causing him to fall. PO Scalzo injured his head and right wrist as a result of the incident (encl. J7).

Attempts to Obtain Communication CD and UF-49

On July 18, 2014, the undersigned investigator requested from IAB the Communications CD related to the above-detailed Event Summary. However, on August 1, 2014, the undersigned investigator received the request for said CD back with a note indicating that it had expired and was thus not available (encl. U1).

On September 4, 2014, the undersigned investigator requested from IAB a copy of any UF-49 report generated as a result of this incident. However, on October 9, 2014, the undersigned investigator received the request back with a note indicating that no such report was on file (encl. U4).

Other Evidence

§ 87(2)(b) Article

The article paraphrases § 87(2)(b) as saying, on August 25, 2013, that her daughter, three granddaughters, and niece, have been “roughed up and pushed to the ground face-first before being taken into custody.” The article also paraphrases witnesses who stated that an open container summons led to a confrontation between officers and a group of women. The article further paraphrases a disc jockey for the party, who is only identified as “§ 87(2)(b)” as stating that an officer “was struck in the head with glass when one of the women kicked out the window of a police car.” § 87(2)(b) is quoted as saying that no individuals were drinking at the party. The article also indicates that multiple party attendees, who remained at the scene after the officers departed, did not agree that the officers overacted. It further adds that an unnamed witness claimed, in front of the reporter, that “the women taken into custody escalated the situation by confronting police” (encl. A1-A2).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Attempts to Obtain Video Footage

On February 6, 2014, § 87(2)(b) informed Inv. Anderson that she would e-mail him video footage of the incident which she captured. However, the undersigned investigator was informed by Inv. Anderson, on July 9, 2014, that he never received the footage. As mentioned above, all contact attempts to § 87(2)(b) have been exhausted and she has not since contacted the CCRB about cooperating with its investigation.

At the time of her interview, § 87(2)(b) mentioned that § 87(2)(b) recorded the incident. However, as mentioned above, § 87(2)(b) failed to appear to the CCRB for her two scheduled appointments and all contact attempts to her have been exhausted. In addition, § 87(2)(b) has not contacted the undersigned investigator about cooperating with this investigation.

§ 87(2)(b)

[illegible]

- This is the first CCRB complaint filed by § 87(2)(b) (encl. C4).
- § 87(2)(b) and § 87(2)(b) have not previously filed a CCRB complaint (encl. C5 and C9-C14).
- § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- § 87(2)(b) [REDACTED]
- [REDACTED]

Subject Officers CCRB History

- PO Murphy has been a member of the service for seven years and there are no substantiated CCRB allegations against him (encl. B3).
- Sgt. Brushnivsky has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. C1).
- PO Lassen has been a member of the service for three years and this is the first CCRB complaint filed against him (encl. C2).
- PO Scalzo has been a member of the service for six years and there is one substantiated CCRB allegation against him (encl. C3).
 - In CCRB case number 200901017, PO Scalzo was found to have improperly stopped § 87(2)(b) [REDACTED] however, the CCRB did not make a penalty recommendation. PO Scalzo eventually received Instructions from the NYPD.

Conclusion

Identification of Subject Officers

Although § 87(2)(b) [REDACTED] stated that PO Scalzo first arrived at the scene with PO Lassen, the search of § 87(2)(b) [REDACTED] is being pled against PO Murphy because all evidence indicates that PO Lassen arrived later on and that PO Murphy was instead present with PO Scalzo at the time the search allegedly occurred. § 87(2)(b) [REDACTED] referred to Sgt. Brushnivsky and PO Lassen by name and provided their descriptions which match them. Sgt. Brushnivsky and PO Lassen admitted that they responded to the scene. § 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigative Findings and Recommendations

Allegations Not Pled

No stop allegation is being pleaded § 87(2)(g) [REDACTED]

[REDACTED]

§ 87(2)(g)

§ 87(2)(b) stated that officers called her “names” during the incident. § 87(2)(g)

§ 87(2)(b) stated that an officer, who she did not see, pushed her down to the ground after she attempted to prevent the apprehension of § 87(2)(b) § 87(2)(g)

§ 87(2)(b) also stated that, right after she attempted to prevent the apprehension of § 87(2)(b) officers subsequently pinned her against a car, brought her down to the ground, and then pinned her down before handcuffing her and escorting her away by holding onto one of her fingers. § 87(2)(g)

Allegation A – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy searched § 87(2)(b)

Allegation B – Discourtesy: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers spoke rudely to § 87(2)(b) and individuals.

Allegation C – Offensive Language: In the vicinity of § 87(2)(b) in Staten Island and inside the 121st Precinct stationhouse, officers made remarks to § 87(2)(b) and individuals, based upon race and gender.

Allegation O – Force: Inside the 121st Precinct stationhouse, PO Andrew Lassen used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Murphy searched § 87(2)(b) however, she mentioned in her initial complaint that PO Scalzo was the officer who performed the search. § 87(2)(b) alleged that PO Murphy made discourteous and offensive remarks toward her. However, § 87(2)(b) also alleged that PO Lassen later made discourteous and offensive remarks toward her and the other arrestees both at the arrest location and stationhouse, and that Sgt. Guido made offensive remarks toward her and the other arrestees at the stationhouse.

§ 87(2)(b) alleged that PO Lassen used significant and unnecessary physical force against her by the front desk of the stationhouse. However, § 87(2)(b) mentioned in her initial complaint that Sgt. Brushnivsky was the officer who used said force.

§ 87(2)(b) did not recall whether she witnessed PO Murphy search § 87(2)(b) and § 87(2)(b) made no indication that she witnessed PO Murphy do so. § 87(2)(b) and § 87(2)(b) made no indication that they heard PO Murphy, PO Lassen, or Sgt. Guido make any of the remarks alleged by § 87(2)(b). Instead, § 87(2)(b) only indicated that she heard an officer make a discourteous remark toward § 87(2)(b) at a very different point during the incident, which is not consistent with any of those alleged by her. § 87(2)(b) also indicated that she could hear § 87(2)(b)'s conversation with the officers during the stop of § 87(2)(b) and § 87(2)(b) did not make any indication that they witnessed the above alleged force occur.

All additional victims to the above allegations either failed to cooperate with this investigation or were unavailable despite repeated attempts to contact them.

PO Murphy, PO Lassen, and Sgt. Guido denied making any of the alleged remarks. PO Murphy denied searching § 87(2)(b) and all additional officers interviewed denied witnessing him do so. Sgt. Guido denied observing PO Lassen use the alleged force. PO Lassen denied using such force. All additional officers interviewed denied witnessing each of the above alleged remarks and indicated that they did not witness the above alleged force occur.

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Discourtesy: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky spoke rudely to § 87(2)(b)

Allegation E – Offensive Language: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky made remarks to § 87(2)(b) based upon race.

§ 87(2)(b) indicated that, while § 87(2)(b) was stopped by PO Scalzo and PO Murphy, Sgt. Brushnivsky approached her and made discourteous and offensive remarks toward her. § 87(2)(b) and § 87(2)(b) made no indication that they heard Sgt. Brushnivsky make the alleged remarks to § 87(2)(b)

All known potential witnesses to the above allegation either failed to cooperate with this investigation or were unavailable despite repeated attempts to contact them.

Sgt. Brushnivsky denied making the alleged remarks. All additional officers interviewed denied hearing Sgt. Brushnivsky make the alleged remarks.

§ 87(2)(b), § 87(2)(g)

Allegation F – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky strip-searched § 87(2)(b)

§ 87(2)(b) alleged that, after the situation became more chaotic, Sgt. Brushnivsky strip-searched § 87(2)(b) and § 87(2)(b) made no indication that they observed Sgt. Brushnivsky conduct the alleged strip-search. § 87(2)(b) elected not to cooperate with the investigation of this complaint. All potential witnesses to the above allegation either failed to cooperate with this investigation or were unavailable despite repeated attempts to contact them.

Sgt. Brushnivsky denied conducting the alleged strip-search. All additional officers interviewed denied witnessing above alleged misconduct.

§ 87(2)(b), § 87(2)(g)

Allegation G – Force: In the vicinity of § 87(2)(b) in Staten Island, PO John Murphy used physical force against § 87(2)(b)

Each of the civilians interviewed indicated that they observed officers first grab § 87(2)(b) and then bring her down to the ground. § 87(2)(g), § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). All attempts to contact § 87(2)(b) were unsuccessful. Civilian statements also indicate that civilians repeatedly attempted to prevent § 87(2)(b)'s arrest.

The officer statements indicate that § 87(2)(b) attempted to avoid arrest with the help of the crowd and that she also resisted arrest. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation H – Force: In the vicinity of § 87(2)(b) in Staten Island, PO Nicholas Scalzo used physical force against § 87(2)(b)

Allegation I – Force: In the vicinity of § 87(2)(b) in Staten Island, Sgt. Dmitry Brushnivsky used physical force against § 87(2)(b)

Allegation J – Force: In the vicinity of § 87(2)(b) in Staten Island, PO Andrew Lassen used physical force against § 87(2)(b)

§ 87(2)(b) stated that she repeatedly attempted to separate officers from § 87(2)(b) who was being placed under arrest, at which point PO Scalzo simply pushed her away. § 87(2)(b) stated that, as she once again tried to assist § 87(2)(b) Sgt. Brushnivsky then punched her in the face. § 87(2)(b) further added that PO Lassen then brought and pinned her down to the ground, at which point she attempted to get him off her and he punched her in the back of the head. § 87(2)(b) also alleged that, after she was handcuffed, PO Lassen then pushed her against a car window, causing it to shatter, and that an unidentified officer then pepper-sprayed her through the broken window while standing outside the patrol car. § 87(2)(b) denied kicking the window or PO Scalzo. Lastly, § 87(2)(b) alleged that PO Lassen then punched her in the face after she attempted to bite him.

PO Scalzo admitted to punching § 87(2)(b) once in the body after she attempted to bite him subsequent to his attempt to handcuff her. Sgt. Brushnivsky denied interacting with § 87(2)(b). PO Lassen stated that he only grabbed § 87(2)(b) and then pulled her down to the ground before handcuffing her.

The officers indicated that § 87(2)(b) kicked the window, shattering it, and then PO Scalzo in the head. § 87(2)(b)'s arrest photographs do not show any visible injuries. The online article indicates that a witness stated that an officer "was struck in the head with glass when one of the women kicked out the window of a police car."

The medical records only indicate that § 87(2)(b) sustained minor injuries to her legs as well as a head injury without laceration. However, the head injury was not significant and did not require a CT-scan. § 87(2)(b) was only prescribed over-the-counter medicine including a pain-reliever and an anti-inflammatory.

According to Patrol Guide Procedure, 203-11 (encl. B1-B2), only that amount of force necessary to overcome resistance will be used to effect an arrest, or to take an emotionally disturbed person into custody.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation K – Force: In the vicinity of § 87(2)(b) in Staten Island, officers used pepper spray against § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) reported that § 87(2)(b) was pepper-sprayed by three to four officers, who she could not describe, while § 87(2)(b) was inside the patrol car. § 87(2)(b) stated that she witnessed an officer, who she could not describe, pepper-spray § 87(2)(b) from the front seat of the patrol car.

Each of the officers interviewed denied pepper-spraying § 87(2)(b) or observing an officer do so.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation L – Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck § 87(2)(b) with an asp.

§ 87(2)(b) mentioned having observed an unidentified officer strike an unidentified individual in the head. § 87(2)(b) did not know said individual's name or contact information. None of the other parties interviewed indicated that they were aware of this instance occur.

§ 87(2)(b), § 87(2)(g)

Allegation M – Force: In the vicinity of § 87(2)(b) in Staten Island, an officer struck § 87(2)(b) with an asp.

Allegation N – Abuse of Authority: In the vicinity of § 87(2)(b) in Staten Island, an officer refused to provide his shield number to § 87(2)(b)

§ 87(2)(b) alleged that an unidentified officer pushed her using an asp and then refused to provide his shield number to her upon request. § 87(2)(b) failed to appear to her scheduled appointment at the CCRB and later failed to contact the CCRB to reschedule said appointment. All contact attempts to § 87(2)(b) have been exhausted. None of the parties interviewed testified to having witnessed either of those instances occur.

§ 87(2)(b), § 87(2)(g)

Team: 3

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date